

UK Covid-19 Inquiry public hearings: module 2, week 5 (6 November - 9 November 2023)

The UK Covid-19 Inquiry (the Inquiry) public hearings for module 2 began on 3 October 2023 and will conclude on 14 December 2023.

Module 2 is focused on core political and administrative governance and decision-making for the United Kingdom (UK). It will examine the initial response, central government decision making, political and civil service performance as well as the effectiveness of relationships with governments in the devolved administrations and local and voluntary sectors. It will also assess decision-making about non-pharmaceutical measures and the factors that contributed to their implementation.

This week the Inquiry heard from witnesses including Lord Mark Sedwill, former cabinet secretary and head of the civil service, Lord Edward Udney-Lister, a senior advisor to then prime minister, Rt Hon Boris Johnson, and Simon Ridley, who was director general of the Covid-19 Taskforce. The Inquiry heard evidence about the concerns that the NHS was going to be overwhelmed, the discharge of patients into care homes, decisions about lockdowns, and the Department of Health and Social Care's (DHSC) role in drafting regulations.

The Inquiry will resume hearings on 20 November. This briefing summarises the proceedings most relevant to NHS trusts and is the fifth in the series of weekly briefings on the Inquiry's public hearings on module 2. You can see our earlier briefings on the preliminary hearings and other public hearings on [our website](#), as well as a set of [frequently asked questions on rule 9 requests](#) we prepared with our legal partners.

Monday 6 November

Witnesses

Clare Lombardelli, Stuart Glassborow and Dr Ben Warner.

Summary of witness evidence

Clare Lombardelli

Clare Lombardelli is chief economist at the Organisation for Economic Cooperation and Development (OECD). During the Covid-19 pandemic, she was the chief economic advisor at HM Treasury (HMT).

Lombardelli detailed the challenge of economic modelling during the Covid-19 pandemic, with the level of uncertainty much higher than modellers were used to. She said it was the role of the Cabinet Office to bring together the objectives and expertise of different departments and synthesise the information for decision-makers.

HMT had a good relationship with the [scientific advisory group for emergencies](#) (SAGE), as well as behavioural scientists and the [Behavioural Insights Team](#). Lombardelli said that information on modelling was shared but there was uncertainty about how people would behave.

The “eat out to help out” scheme was driven forward by concern about the impact of Covid-19 on economic activity and the long-term risks to the UK economy. Lombardelli was not responsible for the policy side of the scheme and was not aware that the scheme was causing problems. She was not aware that the then Chancellor, Rt Hon Rishi Sunak MP, was perceived as having an anti-lockdown, anti-restriction approach.

Stuart Glassborow

Stuart Glassborow was on secondment from HMT as deputy principle private secretary to the prime minister from 2019 to May 2022. He returned to working in HMT after May 2022.

Glassborow said he first heard about the chancellor’s “eat out to help out” scheme on 2 July 2020. He and colleagues in Number 10 became aware before it launched in August 2020 that there had been no direct engagement with the chief medical officer (CMO), the chief scientific adviser (CSA) or (SAGE) before the scheme. He said the scheme was a fiscal measure amongst a wider economic package.

Dr Ben Warner

Dr Ben Warner is a data scientist who was a Number 10 special advisor from December 2019 until May 2021.

Dr Warner was asked about the [Operation Nimbus](#) planning exercise that took place in February 2020. At that time he did not know that preventing the NHS being overwhelmed was a critical part of the Covid-19 mitigation strategy.

On 13 March 2020 it was recognised that the capacity of the NHS was not going to be sufficient to cope with the rate that Covid-19 was spreading. Dr Warner recalled meetings on 14 March where the view was formed that the government had to move forward with a suppression strategy. Dr Warner agreed that before then not enough attention was paid to the question as to whether and if so, when the NHS was going to collapse.

The full transcript of the day's proceedings is available [here](#).

Tuesday 7 November

Witnesses

Simon Ridley and Lord Edward Udney-Lister.

Summary of witness evidence

Simon Ridley

Simon Ridley was director general of the Covid-19 Taskforce from May 2020 to March 2022.

In March 2020 Ridley became the secretary of the newly established **healthcare ministerial implementation group** (HMIG). HMIG was chaired by the secretary of state for health and social care and was responsible for the government's response across all areas of health and social care. Ridley was appointed director general for policy and strategy on the Covid Taskforce in May 2020. The Covid Taskforce was established in May 2020 to bring together all policy and key issues required to respond to the Covid-19 crisis.

Ridley said that responsibility for the practical arrangements for hospital patient discharge into care homes was between the NHS, local authorities and the care sector. In central government it was the responsibility of DHSC working with the Ministry of Housing, Communities and Local Government. Discharge into the care sector was discussed in HMIG meetings. Ridley recalled that the aim was to get 15,000 people discharged from the NHS into social care over by the beginning of April 2020.

At a HMIG meeting on 22 March it was recognised that the guidance at that time was that patients would be accepted into the care sector if they were asymptomatic and had not received a Covid-19 test. Ridley said that concerns around the position in care homes were growing going into April 2020. There was less data and information around care homes and Ridley said that they were keen to assure that there was a broad and coherent plan for care homes.

On 7 April 2020, the Minister of State for Care, Helen Whately MP, said at a HMIG meeting that social care workers were to be tested alongside NHS staff where capacity permitted. Concerns were being raised about constraints in terms of what testing that was available and could be used in the care sector.

In April Dr Ben Warner, a special advisor in Number 10, wrote to colleagues in the Cabinet Office and Number 10 to raise concerns about Covid-19 infections in care homes. He was told that the DHSC person leading this policy area did not think it was an issue of concern. Ridley said nosocomial infection in care homes continued to be discussed for weeks in the Cabinet Office and Number 10. They remained concerned about the extent to which there were plans in place to minimise the risk of

infection. On 14 April, the chief medical officer (CMO) recommended that asymptomatic people being discharged from hospital into care homes had to be tested and further guidance was produced on testing of patients and workers in the care sector.

Ridley said the “eat out to help out” scheme was decided by the prime minister and the chancellor. He said it was correct to say that the taskforce was effectively blindsided by HMT.

The NHS led on managing the issue of vulnerability of NHS staff to infection. He could not recall what action was taken in relation to concerns raised about adapted personal protective equipment (PPE).

Lord Edward Udney-Lister

Lord Edward Udney-Lister was a senior advisor to then Prime Minister, Rt Hon Boris Johnson, from July 2020 to February 2021. He was the prime minister’s chief of staff from November 2020 to February 2021.

During February 2020, the health implications were often a focus of discussions on Covid-19. Lord Lister also presented his concerns about the economic situation to the prime minister. Both Lord Lister and the prime minister were worried about an overreaction to Covid-19 while it was still largely confined to China.

In early March 2020 the government thought a herd immunity strategy was appropriate. Lord Lister recalled “chickenpox parties” for Covid-19 being discussed, as well as the prime minister suggesting to senior advisers that “he wanted to be injected with Covid-19 on television to demonstrate to the public that it did not pose a threat”.

In his view the first lockdown continued for longer than necessary and he saw the need to end lockdown for economic reasons as quickly as possible.

Lord Lister recalled the prime minister saying during a meeting in September 2020 that he would rather “let the bodies pile high” than impose another lockdown. There were pressures from DHSC and the secretary of state for health and social care for a lockdown to be put in place as soon as possible, but generally the situation was looking better than it had been in the first lockdown. Lord Lister didn’t think the second lockdown in November 2020 or third lockdown in January 2021 should have been imposed. He said he believed the tiering system of restrictions would have worked and he was much more concerned about the economic effects of lockdowns.

Lord Lister said that in the beginning of summer of 2020 there were tensions in Number 10 and the Cabinet Office which was largely driven by personalities. In WhatsApp messages in July 2020, the permanent secretary in Number 10, Simon Case, said that he would “struggle to last six months” and that he had “never seen a bunch of people less well equipped to run a country”.

The full transcript of the day's proceedings is available [here](#).

Wednesday 8 November

Witnesses

Lord Mark Sedwill and Justin Tomlinson MP

Summary of witness evidence

Lord Mark Sedwill

Lord Mark Sedwill was the cabinet secretary and head of the civil service from April 2018 to September 2020.

He was concerned that the Cabinet was not as fully participative as it should have been. He had to remind the prime minister of the "importance of involving his Cabinet colleagues, not just in the formal decision but in the formulation of that decision".

When Sir Patrick Vallance first raised the issue of the emergence of the virus in China on 21 January 2020, he was asked to convene a Cabinet Office briefing room (COBR) meeting but he did not agree to it straight away. He said that he wanted to make sure COBR was properly prepared and he was concerned that such a meeting could be communicated in way that could be "unnerving" for the public. Two days later he agreed to the request after having been advised by the head of the civil contingencies secretariat (CCS).

Lord Sedwill said that he wasn't aware of what was described as a "drop in the tempo of government relating to the coronavirus crisis" in February 2020 when the prime minister spent time in Chevening. Asked about the general tenor of the prime minister's reaction about the severity of the crisis at the beginning of March 2020, he said that the prime minister was an optimistic person.

Lord Sedwill agreed with remarks made by Helen MacNamara, the then deputy cabinet secretary, that the Covid action plan was an extraordinary document given so many assertions about how well prepared the UK was turned out to be wrong weeks later.

He agreed that the decision to implement the first lockdown had largely been taken without COBR and Cabinet.

Lord Sedwill agreed that he had left the prime minister under no doubt that he would have been better advised to replace the then secretary of state for health and social care with another minister.

Justin Tomlinson MP

Justin Tomlinson was minister of state for disabled people, health and work from January 2020 to September 2021.

In the lead up to the lockdown in March 2020, Tomlinson was not involved in the government's initial strategy, including the decision to impose a lockdown. In addition, the Cabinet disability unit was not involved when the shielding programme was introduced.

He expressed his frustration at the absence of an official British Sign Language (BSL) interpreter at the daily press conferences and said that it was one of those things which would have been easy to fix. He said he did not understand why it wasn't resolved sooner.

The evidence session also highlighted the disproportionate impact of Covid-19 on disabled people. Counsel quoted minutes which explained that there were significant gaps in available data and analysis on the impact of Covid-19 on disabled people. He said that he accepted government didn't have all the data at its disposal but insisted that this didn't "lower the urgency that society and government, cross-government, understood around the areas of disability and health conditions".

Counsel quoted minutes from a meeting in 2020 which showed that 60% of those who had died from coronavirus identified as disabled and, even once accounting for other risk factors, disabled people were 1.6 times more likely to die from coronavirus. Counsel referred to these figures as "breathtaking". Tomlinson insisted he was aware of this disproportionate impact. Despite this, in a Covid Operations (Covid-O) meeting in November 2020, it was stated that it was still not clear from Office for National Statistics (ONS) data what was driving this increased risk and that there was "insufficient information to inform Covid-19 policymaking for people with disabilities."

When asked if the government was fast enough in commissioning and seeking data for disabled people, he said that it was not for him to commission this work but in the absence of accurate data, he was not held back in pushing for additional support and prioritisation because there was a working assumption that people with disabilities were being disproportionately affected.

The full transcript of the day's proceedings is available [here](#).

Thursday 9 November

Witnesses

Martin Hewitt QPM, Dame Priti Patel MP and Jun Pang

Summary of witness evidence

Martin Hewitt

Martin Hewitt was chair of the National Police Chiefs' Council (NPCC) from 2019 to 2023. The NPCC is the national co-ordinating body representing all UK police forces.

Hewitt gave evidence on the high-level guidance that the NPCC provided to police forces on enforcing the Covid-19 regulations drafted by DHSC, often at very short notice which created operational difficulties. He also explained the disparities in the enforcement of those regulations.

Hewitt worked primarily through the Home Office and it was only in September of 2020 that they got some access, as the police service, to some of the DHSC data. At that point the country was moving into tiers and local lockdowns, and the police felt it was important to understand some of that localised data.

Dame Priti Patel MP

Dame Priti was Secretary of State for the Home Office from July 2019 until 6 September 2022.

Dame Priti confirmed that the drafting of the health protection restriction regulations was solely the domain of DHSC, and that the DHSC is responsible for public health measures at ports and airports.

The Home Office was not consulted on the detailed drafting of regulations. When they asked for more time to prepare guidance for the police, DHSC would proceed saying, "we need these regulatory changes". The Home Office would draft the guidance, more often than not overnight ready for the new teams of officers that would come on to duty in the morning. Dame Priti described this as "suboptimal at every single level".

Dame Priti agreed that the regulations were complex, difficult to understand, and that led to both confusion on the part of the public as to how they could regulate their behaviour and confusion on the part of the police as to how they might be enforced. She accepted that the disproportionate imposition of fixed penalty notices on people of ethnic minorities undermined public confidence.

On 10 January 2020 the Home Office started providing route-specific passenger data to Public Health England (PHE), following the World Health Organisation's (WHO) announcement of a novel coronavirus on 9 January 2020. Dame Priti said that that information was pivotal to DHSC and PHE.

Dame Priti said her decision making was guided by the scientific advice of [new and emerging respiratory virus threats advisory group](#) (NERVTAG), SAGE and the Home Office chief scientific adviser, Professor Aston. That included advice that screens at border checks wouldn't be effective, and that checking whether travellers were displaying symptoms wouldn't work because symptoms

could be suppressed. The government did not have the technical capability to heat test people coming through the border.

There was no question ever of being able to shut the borders completely and having in place a quarantine system because the practicalities of that had never been worked out. Restrictions at the border could also have had a devastating impact upon critical goods and supplies coming into the United Kingdom, and that would have had ramifications for the NHS.

Dame Priti also detailed the work they had done to extend the permitted exemptions from lockdown, including where someone was escaping injury or harm, and in particular the victims of domestic abuse.

Jun Pang

Jun Pang is a policy and campaigns officer, at the National Council for Civil Liberties, also known as Liberty.

Pang gave evidence about Liberty's work during the Covid-19 pandemic, highlighting issues that emerged in relation to legislation and regulations. She described the [Coronavirus Act 2020](#) as extraordinary in the sense of its breadth and extent of powers it gave the government and the speed it progressed on to the statute books. Liberty recommended that new regulations should have been made under the [Civil Contingencies Act 2004](#) instead of the [Public Health \(Control of Disease\) Act 1984](#) because it had safeguards, for example, greater parliamentary scrutiny, and regulations lapsed within seven days if they were not debated and approved by parliament.

The full transcript of the day's proceedings is available [here](#).